

The members of the California Association of Real Estate Brokers are outstanding men and women dedicated to providing fair and equal housing opportunities, equal employment and equal representation in the political arena as well as the business community.

I ask Congress to join me and the constituents of the 9th Congressional District as we salute the California Association of Real Estate Brokers, Inc. for their endless service to our community. We wish them many years of continued success helping to fulfill the American dream of homeownership.

HONORING AIR FORCE MAJOR
JAMES G. CUSIC, III

HON. JERRY F. COSTELLO
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Air Force Major James G. Cusic, III, a constituent of mine from Fairview Heights, Illinois.

Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation's history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic's heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extreme circumstances.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he

was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in honoring Major Cusic and to wish him all the best in the future for him and his family.

YOUNG SCIENTIST CHALLENGE

HON. SHERWOOD L. BOEHLERT
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize a very special group of young scientists. As Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation and originality in science. One such program is the Discovery Channel Young Scientist Challenge.

Created in 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge as part of the solution to America's chronic underachievement in science and math. The annual national contest responds to evidence that academic performance and interest in science among American students declines dramatically as students become older. This is particularly evident during the middle school years.

For these reasons, the Discovery Channel Young Scientist Challenge identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork, and scientific problem solving. More than 6,000 middle school students have entered the challenge since its inception in order to compete for the title of "America's Top Young Scientist of the Year." Since 1999, scholarship awards for the students have totaled more than \$400,000 and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland, and the El Yunque rain forest in Puerto Rico.

On September 18, 2002, Discovery Communications, Inc., announced the 40 middle school students who have advanced to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the "Final Forty" represent an elite group of young Americans who demonstrated exceptional creativity and communications skills in original science research projects. The "Final Forty" will travel to Washington, DC, October 19–23 where they will compete in complex science challenges largely revolving around science and the role it plays in our national security.

The finalists for the 2002 Discovery Channel Young Scientist Challenge are: Brittany Anderson of Texico, New Mexico; Guatam Bej of Birmingham, Alabama; Terrance Bunkley of Fort Worth, Texas; Russell Burrows of San Antonio, Texas; Trevor Corbin of Richmond, Virginia; Kurt Dahlstrom of Hillsboro, North Dakota; Roy Gross of Lansdale, Pennsylvania; Kristin Grotecloss of St. Petersburg, Florida; Jennifer Gutman of Wheeling, West Virginia; Christine Haas of Clovis, California; Alicia Hall of Hoople, North Dakota; David Hart of Lake Charles, Louisiana; Stephanie Hicks of San Antonio, Texas; Lorren Kezmoh of Pittsburgh,

Pennsylvania; Asmita Kumar of Goleta, California; Daniel Lang of Yardley, Pennsylvania; Hilana Lewkowicz-Shpuntoff of Great Neck, New York; Rayden Llano of Miami, Florida; Michael Mi of Pittsburgh, Pennsylvania; Jessica Miles of San Antonio, Texas; Daniel Miller Jr. of Pittsburgh, Pennsylvania; Yahya Mohammed of Niceville, Florida; Sarah Mousa of West Grove, Pennsylvania; Noele Norris of Miami, Florida; Kels Phelps of Butte, Montana; Adam Quade of New Brighton, Minnesota; Sasha Rohret of San Antonio, Texas; Haileigh Stainbrook of Sanger, California; Nupur Shridhar of Malvern, Pennsylvania; Jared Steed of Delaware, Ohio; Aron Trevino of San Antonio, Texas; Kory Vencill of Applegate, Oregon; Kelydra Welcker of Parkersburg, West Virginia; Kevin Welsh of Paulina, Louisiana; Nicole Wen of San Antonio, Texas; Emily Willis of Heber, Utah; Ashley Woodall of Garland, Texas; Dylan Young of Upper Arlington, Ohio.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work in the name of science and wish them all good luck during the 2002 Discovery Channel Young Scientist Challenge.

DIGITAL MEDIA CONSUMERS' RIGHTS ACT OF 2002

HON. RICK BOUCHER
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. DOOLITTLE, in introducing the Digital Media Consumers' Rights Act of 2002 (DMCRA).

The Digital Millennium Copyright Act of 1998 (DMCA) tilted the balance in our copyright laws too heavily in favor of the interests of copyright owners and undermined the long-standing fair use rights of information consumers, including research scientists, library patrons, and students at all education levels. With the DMCRA, we intend to restore the historical balance in our copyright law that has served our nation well in past years.

In order to reduce growing consumer confusion and to reduce a burden on retailers and equipment manufacturers caused by the introduction of so-called "copy protected CDs," we have also included in the bill comprehensive statutory provisions to ensure that consumers will receive adequate notice before they purchase these non-standard compact discs that they cannot record from them and that they might not work as expected in computers and other popular consumer electronics products. Consumers shouldn't have to learn after they get home that the product they just purchased can't be recorded onto the hard drive of a personal computer or won't play in a standard DVD player or in some automotive CD players.

BACKGROUND AND NEED FOR LEGISLATION

Before describing the provisions of the bill in detail, I think it useful to provide a general overview of what has occurred over the past five years and why we need to recalibrate the DMCA in light of that experience.

As my colleagues may recall, in 1997 the Administration proposed legislation to implement two international copyright treaties intended to protect digital media in the 21st century. At the time, motion picture studios, record companies, book publishers, and other owners of copyrighted works indicated that the treaty implementing legislation was necessary to stop "pirates" from "circumventing" technical protection measures used to protect copyrighted works. As the bill was being formulated, it was clear that the proclaimed effort to crack down on piracy would have potentially harmful consequences for information consumers. Nonetheless, copyright owners asserted that the proposed legislation was not intended to limit fair use rights.

At the time, libraries, universities, consumer electronics manufacturers, personal computer manufacturers, Internet portals, and others warned that enactment of overly broad legislation would stifle new technology, would threaten access to information, and would move our nation inexorably towards a "pay per use" society. Prior to 1998, the American public had enjoyed the ability to make a wide range of personal non-commercial uses of copyrighted works without obtaining the prior consent of copyright owners. These traditional "fair use" rights have long been at the foundation of the receipt and use of information by the American public, and have been critical to the advancement of important educational, scientific, and social goals.

Congress was warned that overly broad legislation could have potentially harmful effects. Manufacturers of consumer electronic and other multiple purpose devices, for example, pointed out that a VCR or PC, among other popular devices, could be deemed to be an illegal "circumvention" device. In response to these concerns, the Administration limited the prohibition to devices that are primarily designed or produced for the purpose of circumventing; have only a limited commercially significant purpose or use other than to circumvent; or are marketed for use in circumventing. Even with this modification, however, the provision still contained a fundamental defect: it prohibited circumvention of access controls for lawful purposes, and it prohibited the manufacture and distribution of technologies that enabled circumvention for lawful purposes. In apparent response to expressions of concern, the Administration proposed a "savings" clause (ultimately enacted as section 1201(c)(1)), which states that section 1201 does not affect rights, remedies, limitations, or defenses to copyright infringement, including fair use. However, as at least some of us understood at the time, and two courts have since confirmed, the fair use defense to copyright infringement actions is not a defense to the independent prohibition on circumvention contained in Chapter 12 of the DMCA. Since Chapter 12 actions are not grounded in copyright law, the so-called "savings clause" preserving fair use defenses to copyright infringement actions is meaningless in the context of actions under the DMCA.

Other problems were seen with the Administration's original draft. As Congress became aware that the Administration's proposal prohibited many other legitimate activities, our colleagues agreed to graft numerous exceptions onto section 1201. The House Committee on Commerce, in particular, sought to more carefully balance the interests of copy-

right owners and information consumers by including provisions dealing with encryption research, reverse engineering, and security systems testing. We can now see in retrospect, however, that these provisions did not go far enough.

Congress made other changes in an effort to right the balance. Principally at the urging of consumer electronics manufacturers, Congress adopted the so-called "no mandate" provision to give equipment manufacturers the freedom to design new products without fear of litigation. Section 1201(c)(3) provides that, with one exception (set forth in section 1201(k)), manufacturers of consumer electronics, telecommunications, and computing products are not required to design their products to respond to any particular technological protection measure. (The only requirement imposed on device manufacturers is to build certain analog VCRs to conform to the copy control technology already in wide use in the market.) The "no mandate" provision was essential to addressing the legitimate concerns of the consumer electronics, telecommunications, and computer industries, which feared that section 1201 otherwise might require VCRs, PCs, and other popular consumer products to respond to various embedded or associated codes, or other unilateral impositions by content owners without the assurance of corresponding protections for equipment consumers. Moreover, through legislative history, Congress also made clear that equipment manufacturers were free to make adjustments to products to remedy "playability" problems created by unilaterally developed technical measures.

In the end, however, these changes were not enough to achieve the appropriate level of balance. In the end, the DMCA dramatically tilted the balance in the Copyright Act towards content protection and away from information availability.

Given the breadth of the law and its application so far, the fair use rights of the public at large clearly are at risk. From the college student who photocopies a page from a library book for use in writing a report, to the newspaper reporter excerpting materials from a document for a story, to the typical television viewer who records a broadcast program for viewing at a later time, we all depend on the ability to make limited copies of copyrighted material without having to pay a fee or to obtain prior approval of the copyright owner. In fact, fair use rights to obtain and use a wide array of information are essential to the exercise of First Amendment rights. In my view, the very vibrancy of our democracy is dependent on the information availability and use facilitated by the fair use doctrine.

Yet, efforts to exercise those rights increasingly are being threatened by the application of section 1201 of the DMCA. Because the law does not limit its application to circumvention for the purpose of infringing a copyright, all kinds of traditionally accepted activities may be at risk.

Consider the implications. A time may soon come when what is now available for free on library shelves will only be available on a "pay per use" basis. It would be a simple matter for a copyright owner to technically enshroud material delivered in digital format and then to impose a requirement that a small fee be paid each time the password is used so that a digital book may be accessed by a library patron. Even the student who wants the most basic

access to only a portion of an electronic book to write a term paper would have to pay. The DMCA places the force of law behind these technical barriers by making it a crime to circumvent them even to exercise fair use rights. The day is already here in which copyright owners use "click on," "click through," and "shrink wrap" licenses to limit what purchasers of a copyrighted work may do with it. Some go so far as to make it a violation of the license to even criticize the contents of a work, let alone to make a copy of a paragraph or two.

To address these and other concerns that have been voiced since enactment of the DMCA, the bill we have introduced would amend sections 1201(a)(2) and (b)(1) to permit otherwise prohibited conduct when engaged solely in furtherance of scientific research into technological protection measures. Current law permits circumvention of technological protection measures for the purpose of encryption research. The bill expands the exception to include scientific research into technological protection measures, some of which are not encryption. This change is intended to address a real concern identified by the scientific community. It does not authorize hackers and others to post trade secrets on the Internet under the guise of scientific research, or to cloak otherwise unlawful conduct as scientific research.

Since September 11, we have all become more aware of the importance of improving the security of computer networks against hacking. Our computer scientists must be allowed to pursue legitimate research into technological protection measures to determine their strengths and shortcomings without fear of civil litigation or criminal prosecution under the DMCA. The public needs to know the genuine capabilities of the technological protection measures. The proposed amendment provides computer scientists with a bright line rule they can easily follow, and would encourage them to engage in research for the public's benefit.

The bill we have introduced does what the proponents of section 1201(c)(1) of the DMCA said it did, namely, to preserve the fair use rights of consumers under section 107 of the Copyright Act and under section 1201. (Just last year, the presidents of the Business Software Alliance and the Interactive Digital Software Associations citing the "savings clause" stated in a letter to the editor of the Washington Post that "[t]he DMCA did nothing to upset existing fair use rules that still permit a variety of academic inquiries and other activities that might otherwise be infringing.") The bill amends the "savings clause" to make clear that it is not a violation of section 1201 to circumvent a technological measure in connection with gaining access to or using a work if the circumvention does not result in an infringement of the copyright in the work. In short, if a consumer may make a fair use of a copyrighted work, he may gain access to it and then make use of it without liability under section 1201. At the same time, if his or her conduct does not constitute fair use under section 107, liability may attach under section 1201.

In this connection, I think it is important to stress that, when the DMCA was being debated equipment manufacturers unsuccessfully sought to clarify the savings clause in section 1201. Since enactment of the DMCA, these same manufacturers have had to build

business plans that incorporate copy protection technologies into their digital product offerings in order to ensure that content will be made available to consumers in digital formats. At the same time, these manufacturers have worked to ensure that those technologies are used in ways that are consistent with consumers' customary recording and viewing practices. I recognize that because the determination of whether or not a particular use is considered a "fair use" depends on a highly fact specific inquiry, it is not an easy concept to translate into a technological implementation. Our bill is not intended to encourage consumers to disable copy protection systems in order to gain increased access to protected works where the technology has been implemented in a manner that seeks to accommodate the consumer's fair use expectations. Instead, this proposal is in pursuance of a larger objective of ensuring that existing copy protection measures are implemented in ways that respect consumers' customary practices and ensuring that, as future technologies are developed, they incorporate means by which fair use of content can be made. As Congress demonstrated in developing section 1201(k) of the DMCA, there are ways to balance legislatively the interests of content owners and consumers when technological solutions that respect fair use practices can be agreed upon by all parties.

In addition to restrictions on their fair use rights, consumers face a new problem as record companies increasingly introduce into the market non-standard "copy-protected compact discs." As widely reported in the press, consumers have found that these ordinary-looking CDs do not play in some standard consumer electronics and computer products and that they cannot be copied on computer hard drives or in CD recorders. Without question, record companies should have the freedom to innovate, but they also have the responsibility to provide adequate notice to consumers about the "recordability" and "playability" of these discs. They have not done so. For that reason, I believe it is appropriate for Congress to now step in. Our bill will ensure that non-standard discs are properly labeled to give consumers adequate notice of all disfunctionalities.

In this connection, I think it is important to note that the conferees to the DMCA expected all affected industries to work together in developing measures to protect copyrighted works. As the conferees pointed out, "[one of the benefits of such consultation is to allow testing of proposed technologies to determine whether there are adverse effects on the ordinary performance of playback and display equipment in the marketplace, and to take steps to eliminate or substantially mitigate those effects before technologies are introduced." That process does not appear to have been employed with regard to the new unilaterally developed methods being used to protect compact discs.

In closing, I think it important to stress that, for over 150 years, the fair use doctrine has helped stimulate broad advances in scientific inquiry and in education, and has advanced broad societal goals in many other ways. We need to return to first principles. We need to achieve the balance that should be at the heart of our efforts to promote the interests of copyright owners while respecting the rights of information consumers. The DMCA will restore that balance.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to thank PATSY MINK, a leader, a visionary, a mentor, and a true advocate for so many who had no voice. PATSY MINK was a woman I looked up to, learned from, and was inspired by. As the first woman of color elected to the U.S. Congress in 1964, PATSY knew what it meant to break down barriers. Her passion was for those who were otherwise forgotten or pushed to the side.

PATSY was a strong fighter for women's rights. Her leadership in the fight for equality for women and girls in education and sports has made an everlasting impact on this country. The passage of Title IX has literally changed the lives of millions of young girls and women. It opened the doors to countless opportunities for women and girls and allowed us to dream bigger than we ever had before. It allowed more people to see women as Olympic athletes and competitors. It allowed parents to see their daughters as softball players and runners. It challenged school administrators and coaches to see the potential in female athletes and embrace it.

PATSY was a relentless fighter for low-income and poor families. She had great compassion for those who were struggling against the odds to work and provide for their families. She wasn't afraid to make her voice heard in standing up for fair treatment of women receiving welfare benefits, workers' rights and fair pay, and children who were lacking food or a good education. PATSY was a fearless fighter for the environment. She helped protect Hawaii's natural beauty in national parks and worked at the local level to help communities preserve their lands. PATSY was a lifelong fighter for civil rights. She knew what it meant to stand up in the face of adversity and she worked hard to break down barriers so those coming after her would instead experience justice and equality.

PATSY was tough and passionate. I can see her now shaking her small but mighty fist as she eloquently challenged an injustice. PATSY was a pioneer and a trailblazer. As we honor the memory of PATSY MINK today, we should also think about the future that she would want and work to achieve it. PATSY would want us to pass a Labor/HHS bill that truly leaves no child behind. She would want us to fully fund the Women's Education Equity Act. She wanted to see passage of a welfare bill that lifts women and children out of poverty, not just off the welfare rolls. PATSY wants us to make sure that all people have a fair chance.

Today, as I mourn with my colleagues and extend my condolences to her family and to the people of Hawaii, I honor the memory PATSY MINK and all that she stood for. And I deeply miss her beautiful smile.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 42nd Anniversary of the Republic of Cyprus. It was on October 1st in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

This year, Cyprus' Independence Day occurs at a time of great hope for the people of Cyprus and significant advances in U.S.-Cyprus relations.

Cyprus is currently the leading candidate country for membership in the European Union during the EU's next enlargement round. On October 9, the European Commission will issue its annual progress reports on all applicant countries. The EU's enlargement Commissioner, Gunther Verheugen, said on September 30 that Cyprus' progress report will be positive and will confirm that Cyprus meets the political and economic criteria for membership. The formal invitation to the 10 most advanced candidate countries, including Cyprus, is expected to be issued in December in Copenhagen, which would allow them to join the EU on January 1st, 2004.

On June 21, 2001, I joined my colleague, Representative MICHAEL BILIRAKIS in introducing HCONRES 164, a bill that expresses the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots. This bill has 83 bipartisan cosponsors and passed unanimously in the Europe Subcommittee of the House International Relations Committee. I believe we must pass this bill on the House floor in order to voice support during a crucial period of major developments for Cyprus' EU bid.

The commemoration of Cyprus' Independence Day this year, as in the past 28 years, is clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be illegally occupied by the Turkish military forces, in violation of U.N. Security Council resolutions. But Cyprus remains committed to achieving a peaceful resolution of this tragic problem through negotiations.

United Nations-sponsored negotiations are ongoing in an effort to resolve the 28-year division of Cyprus under the framework of U.N. Security Council resolutions. The next round of meetings between the President of the Republic of Cyprus, Glafcos Clerides, and the Turkish Cypriot leader, Rauf Denktaş, with U.N. Secretary-General Kofi Annan, are scheduled for October 3–4 in New York. U.N. Secretary General Annan said on September 30 that talks to end the division of Cyprus will